

## **REMARKS/ARGUMENTS**

### **Telephone Interview**

Applicants greatly appreciate the courtesy that Examiner Gramling and Examiner Payne extended to applicants' representative during the telephone interview held on July 28, 2009. The discussion during the telephone interview has been taken into consideration herein.

An Interview Summary was issued on July 30, 2009. The Interview Summary suggests that applicants proposed to cancel claims other than independent claim 1. Applicants wish to clarify for the records that the proposed amendment was intended to show only proposed changes to independent claim 1. There was no intention to cancel any claim. All dependent claims remain in the subject application.

### **Status of Claims**

Claims 1-2, 4-15, and 17-27 are pending in this application with claim 1 being the only independent claim. Claims 3 and 6 have been previously cancelled without prejudice. Independent claim 1 has been amended to clarify the term "longitudinal direction." Claim 4 has been amended to depend from claim 1. No new matter has been added.

Reconsideration of the subject application is respectfully requested.

### **Overview of the Office Action**

Claims 1-2, 4-5, 8, 17-24, and 27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by US Pat. Appln. Pub. 2002/0118538 to Calon.

Claims 6-7 and 25-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Calon.

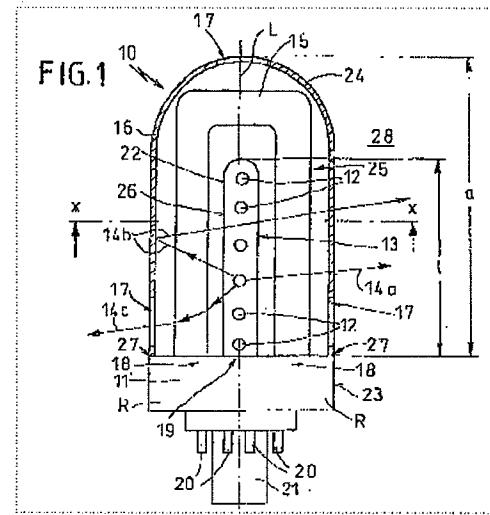
Claims 9-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Calon and further in view of US Pat. Appln. Pub. 2003/0021117 to Chan.

## **Summary of the Subject Matter Disclosed in the Specification**

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The present specification discloses a lamp (10) having a base (11) for connection to a lamp socket on the lamp (10). A plurality of LED elements (12) are spaced apart from the base (11) and combined into a module (13) arranged on the base (11). The LED elements (12) in the module (13) are aligned in a substantially longitudinal direction of the lamp (10). The lamp (10) also has a non-LED element (15), such as a compact fluorescent lamp or a high-pressure discharge lamp, arranged on the base (11). See, e.g., Fig. 1 and paras. [0039] and [0040] of the published application (i.e., US 2005/0099108).

The lamp (10) described above allows for homogeneous luminance distribution of the LED light emitted by the LED elements (12). See, para. [0004] of the published application.



## **Patentability of the Claimed Invention**

### Independent claim 1

Independent claim 1 recites “a plurality of LED elements spaced apart from the base in a longitudinal direction from the base end to an opposing end of the lamp.”

The above recited features are not taught by Calon because the LEDs 20, 20' in Calon extends in a direction transverse to the longitudinal direction recited in independent claim 1. More specifically, Calon teaches an integrated light source containing a light-transmitting discharge vessel 10 and LEDs 20, 20'. As Fig. 1 of Calon shows, the LEDs 20, 20' are each

mounted to the base of the light source. The LED's 20, 20' are spaced from each other in a transverse direction, which is transverse to the longitudinal direction extending from the base end to an opposite end of the light source. Calon thus does not teach "LED elements spaced apart from the base in a longitudinal direction from the base end to an opposing end of the lamp," as recited independent claim 1.

In view of the above, withdrawal of the rejection of independent claim 1 is requested.

Additionally, the above recited features of independent claim 1 are not obvious over Calon because Calon is silent about altering either the position or the alignment of the LED's 20, 20' to arrive at the claimed invention. Nor will one skilled in the art be motivated to modify Calon to arrive at the claimed invention because the lamps of the present application and Calon have different technical principles.

One of the objects of the present application is to provide a lamp having a homogenous luminance distribution of the LED light (see, para. [0004] of the published application). To reach such homogenisation of the LED light, the present invention proposes to arrange the LED's (12) in a spaced apart relationship from the base (11) along a longitudinal direction of the lamp (10). As is shown in Fig. 1 of the present application, the LED elements (12) are distributed and positioned along the volume of the lamp (10), thereby a homogenous light distribution of the LED light can be obtained (see, paras. [0005] and [0006] of the published application).

Calon on the other hand teaches a light source for use as a night lamp, which serves inter alia for orientation at night (see, para. [0012] of Calon). For such night lamps however no homogenous LED light distribution is of any particular interest. As can be seen from Fig. 1 of Calon, its LED's 20, 20' are not distributed in the full volume of the bulb. Instead, Calon's LED's 20, 20' are arranged "in concentrated manner" on the top surface of the base.

Consequently, Calon's lamp is unable to provide homogenous distribution of the LED light, as does the lamp recited in independent claim 1.

In view of the above, one skilled in the art will appreciate that Calon's lamp does not concern, or even has interest in, homogenisation of the LED light and consequently will not be motivated to look to Calon when contemplating the invention as recited in independent claim 1. Accordingly, it is not obvious to modify Calon to arrive at independent claim 1.

#### Dependent Claims 2, 4-15 and 17-27

Claims 2, 4-15 and 17-27 depend, directly or indirectly, from allowable independent claim 1 and are thus allowable therewith. In addition, claims 2, 4-15 and 17-27 include features which serve to even more clearly distinguish the claimed invention over the cited art.

#### **Conclusion**

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Respectfully submitted,  
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